

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated April 10, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 26-40 are pending in the Application. Claims 31-40 are withdrawn in the Application. Claim 26 is the sole independent claim.

In the Office Action, claims 26-30 are rejected under 35 U.S.C. §112, second paragraph. Claim 26 is amended to remove the term "may" as indicated in the Office Action. Accordingly, it is respectfully submitted that claim 26 as well as dependent claims 27-30 are in proper form and it is respectfully requested that this rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

In the Office Action, claims 26-27 are rejected under 35 U.S.C. §103(a) over U.S. Patent Publication No. 2002/0154893 to Tanaka ("Tanaka") in view of U.S. Patent Publication No. 2004/0078382 to Mercer ("Mercer"), and further in view of U.S. Patent Publication No. 2002/0107973 to Lennon ("Lennon"). Claims 28-30 are rejected under 35 U.S.C. §103(a) over Tanaka in view of Mercer, further in view of Lennon, and further in view of U.S.

Patent Publication No. 2003/0014767 to Stumphauzer, II

("Stumphauzer"). These rejections are respectfully traversed. It is respectfully submitted that claims 26-30 are allowable over Tanaka in view of Mercer alone, and in any combination with Lennon and Stumphauzer for at least the following reasons.

It is undisputed that Tanaka does not disclose storing at least two content object files having different data type or data format on an optical storage medium (see, Office Action, page 5). The Office Action relies on Mercer for teaching that which is admitted missing from Tanaka, however, it is respectfully submitted that reliance on Mercer is misplaced.

Mercer is directed to an adaptive menu system for media players (see, Mercer, Title) and describes, in paragraph [0029] an environment in which the invention of Mercer may be used. In Mercer, separate devices providing media content (104, 106, 108) are coupled to a computer 102. The computer then stores on a computer-readable medium 110, media content for use by a media player program associated with a consumer electronic device 112. (See, Mercer, FIG. 1 and paragraph [0030].) In other words only the content that is playable on the particular device 112 is placed

on the medium 110, thus the data type and data format do not vary between content files stored on the computer-readable medium.

It is respectfully submitted that the apparatus of claim 26 is not anticipated or made obvious by the teachings of Tanaka in view of Mercer. For example, Tanaka in view of Mercer does not teach, disclose or suggest an "optical storage medium comprising: a plurality of content object files including a plurality of data types having a plurality of data formats for playback on a data processing system appropriate for playback of at least one data format", as recited in claim 26. And, further, Tanaka in view of Mercer does not disclose or suggest, amongst other patentable elements, the optical storage medium comprises (illustrative emphasis added) a generic logic format that includes "at least two content object files, wherein the data format of at least two of the content object files is different" as recited in claim 26. Lennon and Stumphauzer are introduced for allegedly showing elements of the dependent claims and as such, do nothing to cure the deficiencies of Tanaka and Mercer discussed above.

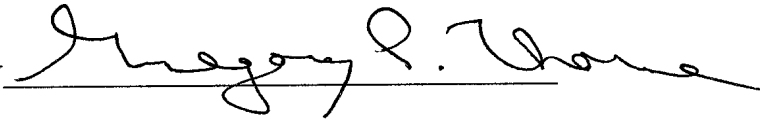
Based on the foregoing, the Applicants respectfully submit that independent claim 26 is patentable over Tanaka in view of Mercer alone, and in any combination with Lennon and Stumphauzer

and notice to this effect is earnestly solicited. Claims 27-30 respectively depend from claim 26 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
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THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101